Breakwaters

Floats and Floating Docks

On-site Waste Disposal

NOTE: Where intertidal flats occur in urban port areas and contiguous to developed shorefronts, certain of the above activities may be consistent with the coastal policies under special conditions (see guidelines for Developed Shorefront).

F. TIDAL WETLANDS

DEFINITION - "Tidal Wetlands" means "wetland" as defined by CGS Section 22a-2

(Source: P.A. 79-535, sec. 4(7)(E))

POLICIES

POLICIES TO BE FOLLOWED BY MUNICIPAL, STATE AND FEDERAL AGENCIES

A. To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

B. To encourage the rehabilitation and restoration of degraded tidal wetlands.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

C. Where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal.

(Source: P.A. 79-535, sec. 2(b)(2)(E))

D. It is declared that much of the wetlands of this state have been lost or despoiled by unregulated dredging, dumping, filling and like activities and despoiled by these and other activities, that such loss or despoliation will adversely affect, if not entirely eliminate, the value of such wetlands as sources of nutrients to finfish, crustacea and shellfish of significant economic value; that such loss or despoliatio will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment; and that such loss or

despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof.

(Source: CGS sec. 22a-28, referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

Sewer and Water Lines Policy B (extension of lines and sensitive resources).

Coastal Structures and Filling Policy A (construction in tidal wetlands).

Coastal Hazard Areas Policy A (management of development).

Coastal Hazard Areas Policy B (solutions to flood and erosion problems).

Coastal Hazard Areas Policy C (natural relationship of landforms).

Coastal Hazard Areas Policy D (nonstructural erosion mitigation).

Coastal Hazard Areas Policy E (structural erosion mitigation measures).

National Interest Facilities and Resources Policy A (planning for and protection of resources which are in the national interest including tidal wetlands).

POLICIES FOR STATE AND FEDERAL AGENCIES ONLY

E. In granting, denying or limiting any permit the commissioner or his duly designated hearing officer shall consider the effect of the proposed work with reference to the public health and welfare, marine fisheries, shell fisheries, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in sections 22a-28 to 22a-35 inclusive. The fact that the department of environmental protection is in the process of acquisition of any tidal wetlands by negotiation or condemnation under the provisions of section 26-17a, shall be sufficient basis for denial of any permit.

(Source: CGS sec. 22a-33 as referenced by P.A. 79-535, sec. 2(a)(2))

SEE ALSO:

Coastal Structures and Filling Policy B (filling of tidal wetlands).

Dredging and Navigation Policy D (dredging in tidal wetlands).

Coastal Structures and Filling Policy E (restoring and maintaining saltwater circulation patterns).

Coastal Hazard Areas Policy F (public flood protection measures)

Coastal Hazard Areas Policy G (exposed land areas defined).

Coastal Hazard Areas Policy H (establishment of stream channel encroachment lines).

SEE ALSO PLAN OF CONSERVATION AND DEVELOPMENT POLICIES:

Land and Water Resources Policy A, action 5 (protection of wetlands).

ADVERSE IMPACTS MUST BE EVALUATED

(see box on page II-39)

USES TO BE REGULATED

All activities in tidal wetlands are regulated under the DEP tidal wetlands permit program (CGS 22a-28 to 35) except for State Health Department mosquito control activities, DEP conservation activities, the construction and maintenance of aids to navigation, and activities authorized in emergency decrees of a municipal public health officer.

(Source: CGS 22a-29(3))

All buildings, uses and structures, all uses requiring a municipal specia permit, all subdivisions, all variances, all planned unit developments and all municipal projects occurring within tidal wetlands and above the high water mark are subject to municipal site plan review requirements with the exception of gardening, agricultural activities and minor projects exempted by local regulation.

(Source: P.A. 79-535, sec. 11(b) 15(a) and 15(b))

MAPS

Maps at 1:24,000 scale will be prepared by the Coastal Area Management

Unit of DEP.

(Source: P.A. 79-535, sec. 5(b))

Maps at 1:2,400 scale are available from the Water Resources Unit of DEP.

(Source: CGS 22a-30)

IMPLEMENTATION

STATE

Issuance of DEP permits for activities in tidal wetlands pursuant to CGS 22a-32 must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 21)

All state agency actions significantly affecting the environment, including land acquisitions, development projects and grants for development projects must be consistent with all of the above policies.

(Source: P.A. 79-535, sec. 20(b))

All major state agency plans must, by July 1, 1981, be revised to insure consistency with all of the above policies.

(Source: P.A. 79-535, sec. 20(a))

MUNICIPAL

The decisions of municipal planning and zoning agencies and zoning boards of appeal concerning activities subject to coastal site plan review requirements must be consistent with policies A through D above, where applicable, and in addition such agencies and boards must determine whether or not the adverse impacts of the activity on coastal resources (including tidal wetlands) and future water dependent development opportunities are acceptable.

(Source: P.A. 79-535, sec. 11(e), 12(a), (b) and (e))

Municipal agencies preparing voluntary municipal coastal programs must insure that they are consistent with policies A through D above.

(Source: P.A. 79-535, sec. 8(a) and 9(a))

FEDERAL

Federal agency actions including development projects, permits and grants must be consistent with all of the above policies.

(Source: Sec. 307, federal Coastal Zone Management Act of 1972, 16 USC 1456)

BACKGROUND DISCUSSION

Natural Functions of Tidal Wetlands:

are areas of high nutrient and biological productivity

- provide detrital products forming base of food chain in Long Island Sound

provide habitat, nesting, feeding and refuge areas for shorebirds

serve as a nursery ground for larval and juvenile forms of many of the organisms of Long Island Sound and of many estuarine dependent oceanic species

- provide significant habitat for shellfish

Social Value of Tidal Wetlands:

improve water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metals, decreasing BOD and trapping nutrients

buffer storm and wave energy

vegetation stabilizes shoreline and buffers erosion

provide recreational opportunities: fishing, wildlife observation, hunting

- provide area of scientific and educational values

are a major source of coastal open space

are important to commercial and recreational shell and finfisheries

USE GUIDELINES

PRIORITY USE: PRESERVATION

GENERAL USE CRITERIA (applicable to al uses)

Preserve or restore the natural landscape of tidal wetlands.

Preserve or restore the structure, function, and integrity of the physical and biological components of tidal wetlands.

Maintain or restore the natural tidal flushing, circulation, and chemical characteristics of tidal wetlands and adjacent estuarine waters.

Maintain or restore the natural plant and animal species that inhabit tidal wetlands.

Where feasible, avoid adverse impacts to U.S. and state rare and endangered species.

Provide development setbacks and vegetation buffers surrounding tidal wetlands which are adequate to protect the wetlands from runoff, erosion, and other negative impacts that might result from development on adjacent upland resources.

Employ siting alternatives such as the following, which will avoid or substantially limit negative impacts: 1) siting inconsistent use out of tidal wetlands on adjacent upland areas, or 2) siting consistent uses in such a manner as to minimize the marsh area affected.

Employ design modifications such as the following (where feasible) which will avoid or substantially limit negative impacts: elevation of consistent uses on low impact pile foundations at a height sufficient to meet the minimum requirements of the National Flood Insurance program and to allow for light penetration to the marsh surface below.

Employ construction techniques such as the following (where feasible) which will avoid or substantially limit impacts: 1) use of above-ground, "top-side" construction techniques, 2) storage of construction materials and equipment off-site in non-wetland areas, 3) provision of waterborne access to the construction site, or use of temporary elevated construction accessways, 4) scheduling construction activities during late fall, winter or early spring months when impacts to marsh systems are generally the least, 5) scheduling construction activities so as to avoid shorebird, shellfish and finfish breeding seasons, and 6) restoring all disturbed marsh surfaces as nearly as possible to their natural topographic condition following construction activities and reestablishing a natural vegetation cover.

Where applicable, as a component of permitted activities, rehabilitate and restore degraded tidal wetlands through such means as 1) restoration of natural tidal range or circulation patterns 2) restoration of tidal flushing and circulation to wetlands which were formerly connected to tidal waters, and 3) reestablishment of marsh vegetation.

Incorporate site planning and design features which limit or avoid negative and aesthetic impacts or which create positive visual and aesthetic impacts on the site and the surrounding area.

- alleviate blighted or deteriorated conditions on-site
- make extensive use of landscaping, plantings, and natural ground coverings
- maintain, improve, or enhance visual access to the coast

Maintain or improve access to and along publicly owned shorefront including public trust lands below the mean high water mark.

Maintain or improve water quality in accordance with the highest standards set by federal, state or local authorities.

Preserve and maintain those waters with existing quality better than established standards.

Restore the surface waters of the state to a quality consistent with its use for the protection and propagation of fish, shellfish, and wildlife including breeding, feeding and nursery grounds, and with its use for recreation in and on the water. Restore all waters to the maximum extent possible to a quality consistent with Class B or Class SB.

Prohibit the discharge of sewage from marine sanitation devices on those waters of the state (i.e. No Discharge Zones) where greater control is required for public health or environmental protection.

Apply general use guidelines for coastal hazard areas.

USE CONSISTENCY

A. Activities and Uses Generally Consistent with the Coastal Policies.

Recreation: Passive recreational activities such as bird watching, hiking, nature study, fishing, crabbing, hunting, and canoeing that do not result in significant compaction of the peat soils or destruction of the vegetation are generally consistent with the coastal policies.

Conservation: Conservation activities such as habitat restoration, wildlife management, or property maintenance, which do not require substantial physical alteration of the wetland or continuous compaction of the peat soils are generally consistent with the coastal policies.

Agriculture: Low intensity agricultural uses such as salt haying that do not result in significant compaction of the peat soil; do not require plowing, grading, or excavation; and do not alter the composition of the marsh vegetation are generally consistent with the coastal policies.

Floats: Floats in tidal waters within wetland boundaries that do not involve or encourage the encroachment of inconsistent uses on adjacent wetland areas are generally consistent with the coastal policies.

B. Activities and Uses Which May Be Consistent with the Coastal Policies Under Special Conditions.

Active Recreation: Active forms of recreation which involve the passage of large numbers of people on or through a marsh may be consistent with the coastal policies only if appropriate mitigation measure are employed to protect the peat soils, vegetation, and overall natural landscape of the marsh in accordance with the general use criteria above.

Piers, Docks and Piles: Small piers, docks, piles and other similar structures may be consistent with the coastal policies only when 1) they do not involve dredging or filling of the marsh surface, 2) they are elevated on low-impact pile foundations, 3) they do not interfere with or obstruct navigation, 4) they do not restrict tidal circulation or flushing and 5) other siting, design, and construction measures are employed to mitigate impacts, in accordance with the general use criteria above.

- Pipes and Cables: Pipes and cables may be consistent with the coastal policies only when 1) they are installed below grade, 2) they are sited to take advantage of existing areas of disturbances such as mosquito ditches or existing transportation corridors, 3) damage to the wetland system as a result of construction activities is minimized in accordance with the general use criteria, 4) the wetland is restored to its natural condition following construction, and 5)appropriate erosion and sedimentation controls are instituted during placement of the pipes and cables so as to minimize impacts on water quality and sedimentation in surrounding areas.

Transportation Corridors (road, rail, pedestrian): Roads, railroads, trails, and pedestrian access routes through tidal wetlands may be consistent with the coastal policies only when 1) all non-wetland alternatives have been considered and have been shown to be infeasible, 2) the transportation corridor is designed to minimize impact on the wetland using elevated, low-impact pile foundations, in accordance with the general use criteria above, 3) construction techniques minimize impacts on the wetland in accordance with the general use criteria above, 4) the improvements have a beneficial effect or negligible adverse effect on coastal access or recreation, 5) they do not interfere with or obstruct navigation, and 6) they do not restrict tidal circulation and flushing.

Point Discharge Structures (stormwater): Stormwater discharge structures may be consistent with the coastal policies only when 1) the pipe empties into tidal streams or ditches within the tidal wetland rather than directly onto the marsh surface, 2) the discharge pipe and head wall do not project onto the marsh surface or require fill of the marsh surface, 3) the velocities of the discharged water are not sufficiently large to cause erosion or scouring of the marsh surface or vegetation, and 4) the discharge pipe is equipped with catch basins, and gas traps which are periodically cleaned.

C. Activities and Uses Generally Inconsistent with the Coastal Policies.

Dredging (new)

Filling

Disposal of Dredged Material

Grading

Excavation

Bulkheads, Revetments

Dikes, Tidal Gates

Culverts

On-site Waste Disposal (septic systems, leach fields, solid waste, landfills)

Point Discharge Structures (wastewater)

Transportation Corridors (air)